IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

District :

Criminal Application No. 1297 of 2007

Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders

Court's or Judge's orders

CORAM: C. L. PANGARKAR J.
Dated: 22nd June, 2007.

This is an application under Section 439 of Criminal Procedure Code.

Accused has been charged for having committed offence under Section 147, 148, 149, 302, 307, 323, 324 Indian Penal Code. It is alleged that there was some dispute between the applicants party and the complainants party over the measurement of the field. On

account of that dispute the quarrel took place in which it is alleged that present applicant had assaulted one Deochand who suffered injury on the head and hedied. Offences as stated above were registered. The applicant also submits that he too had suffered several injuries and he and other accused along with him have suffered injuries. The offences have been registered against complainant-party and charge sheets in both the cases have been filed.

The applicant had made application earlier for grant of bail. The said application was rejected but liberty was granted to the applicant to move the court for bail if the trial does not commence within the period of three months. This order was passed by this

court on 13/11/2006. It is, therefore, more than six months that order came to be passed. The trial has not as yet commenced.

There is only one blow on the head of the deceased. It is submitted by the learned counsel for the applicant that all the accused in the counter cases have already been released on bail. Similarly, co-accused in the present case have also been released on bail. As stated earlier only single blow was dealt on the head of the deceased. It is difficult to find out at this stage that who was aggressor and who had allegedly dealt blow on the head of the deceased. I find that it is a fit case where bail should be granted. Hence, the following order.

The applicant be released on his entering into personal bond of Rs. 10,000/- with one surety in the like amount.

He shall report to the police Station, on every Sunday between 9 and 11 a.m.

He shall not tamper with the prosecution witness.

JUDGE